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Defendants.

## ORDER DIRECTING PLAINTIFFS TO FILE SECOND SUPPLEMENTAL BRIEFING AND EVIDENCE IN SUPPORT OF THE PETITION FOR APPROVAL OF THE MINORS' COMPROMISE

Though the plaintiff filed a supplement (Doc. 40), she failed to address all of the issues raised by the Court. For example, the Court noted that there was no explanation provided whether any of the “initial lump sum” Ms. Garcia is to receive, will be spent on the minors or their care. Instead, the supplement notes only the money will be spent on “(1) “[r]epayment of past and for future expenses as she deems fit” and (2) “[c]osts of repairs to the house that Plaintiffs’ decedent parents owned and in which Plaintiff Rufina Hilario Garcia and the minors will reside when the repairs are completed, and to

1 provide temporary housing for the Plaintiffs until such time as the repairs to their house are  
2 completed.” (Doc. 40 at 2) There is no description of the “expenses” at issue or whether these were  
3 incurred on behalf the children or due to the care Ms. Garcia has provided and will provide to them. If  
4 she intends to use these funds to pay for necessities as the children age, there is no showing how the  
5 funds will be divided among the children or the fairness to them, if they are not divided. Likewise, she  
6 fails to explain why the funds should not be placed in a blocked account for the minors benefit with  
7 withdrawals made only upon approval of the Court.

8 Finally, there is no indication whether the children have any ownership stake in home where  
9 they live with Ms. Garcia, such that they should be obligated to pay for its repair. On the other hand, if  
10 the “initial lump sum” is purely for Ms. Garcia’s use, she has continued to fail to explain why such a  
11 payment is appropriate.

12 Based upon the foregoing, the Court finds additional information continues to be necessary to  
13 evaluate the fairness of the minors’ compromise. Accordingly, the Court **ORDERS**: Plaintiffs  
14 **SHALL** file a further supplemental brief and evidence addressing the issues identified above **no later**  
15 **than June 18, 2021**.

16  
17 IT IS SO ORDERED.

18 Dated: **June 6, 2021**

**/s/ Jennifer L. Thurston**  
CHIEF UNITED STATES MAGISTRATE JUDGE